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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,325	02/12/2002	Steven G. Smith	010284	6444

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EXAMINER

PATEL, CHIRAG R

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,325	SMITH ET AL.	
	Examiner	Art Unit	
	Chirag R. Patel	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-14 and 16-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-14 and 16-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed April 5, 2006 have been fully considered but they are not persuasive. A discussion of the amended claims is presented with the body of the rejections.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 14 discloses a computer-readable medium, which applicant disclosure defines per [0029], "A computer-readable medium can further include one or more data signals transmitted on one or more carrier waves", and this is directed to non-statutory subject matter. Claims 16-20 are non-statutory due to its dependence on a non-statutory claim 14.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1, 5, 14, 16-17, 21, and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 5, 14, 16-17, 21, and 29-30, it is unclear to the metes and bounds of "time period"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 4-14 and 16-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Storch et al. (US 5,920,846)

As per claims 1, 14, and 21, Storch et al. discloses a method for communicating with a technician at a customer service location in a telecommunications system, (Col 82 lines 52-55, Figure 15: item 244) the method comprising:

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receiving an electronic message from an administration system to a technician access device at a technician server operatively associated with the administration system (Col 71 lines 44-49, Figure 15: item 276)

receiving a request for access to the message from the access device, (Col 72 lines 24-27)

verifying whether the request for access is a first occurrence of access within a time period, (Col 71 lines 28-65, this permits WFA/DO then changes the status of the job from "pending load" or "pending dispatch" to "dispatched" to track the status of the job, and assign a technician to a job. If status is pending load infers the access of the message has not occurred. If status is dispatched infers the access has occurred; Col 81 lines 29-59)

determining if the electronic message has been modified since a last request for access to the message, and (Col 58 lines 36-58, Col 81 lines 29-59,)

transmitting the received electronic message to the access device for display at the customer service location. (Col 71 lines 44-49, Figure 15: item 278)

As per claims 4 and 16, Storch et al. discloses the method of Claim 1, further comprising

displaying the electronic message on a screen display if the access is verified as the first occurrence in the time period. (Col 56 line 62 – Col 57 line 7, Col 81 lines 25-51, Col 71 lines 28-65, Col 72 lines 14-30, Figure 15 item 278)

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As per claims 5 and 17, Storch et al. discloses the method of Claim 1, further comprising not displaying the electronic message on a screen display if the access is verified as a second or subsequent time in the time period. (Col 81 lines 4-28, Col 81 line 60 – Col 82 line 15)

As per claim 6, Storch et al. discloses the method of Claim 1, further comprising sending the electronic message to an output device. (Col 71 lines 44-49)

As per claims 7 and 23, Storch et al. discloses the method of Claim 1, further comprising retrieving at least one previously generated electronic message. (Col 59 lines 22-45)

As per claims 8, 18, 24, and 32, Storch et al. discloses the method of Claim 1, wherein said the electronic message includes at least a first portion and a second portion. (Col 69 lines 46-64)

As per claims 9, 19, and 33, Storch et al. discloses the method of Claim 8, further comprising

customizing at least one of the portions of the electronic message for displaying the customized portion to at least one technician[[s]]. (Col 69 lines 45-67, Col 72 lines 28-30, Figure 15 item 278)

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As per claims 10, 20, and 34, Storch et al. discloses the method of Claim 9, further comprising identifying a profile characteristic stored in the administration system in connection with customizing at least one of the portions. (Col 70 lines 40-57)

As per claims 11 and 29, Storch et al. discloses a system for communicating with a technician at a customer service location in a telecommunications system, (Col 82 lines 52-55, Figure 15 item 244) the system comprising:

- an administration system configured for generating at least one electronic message; (Col 80 lines 29-33)

- a technician server operatively associated with the administration system, (Figure 15 item 276)

- the technician server configured for:

- receiving a first generated electronic message; and, (Col 57 lines 8-54; preliminary time estimate)

- sending the first generated electronic message to an access device; (Col 71 lines 44-49, Figure 15: item 278)

- receiving a second generated electronic message; and (Col 8 lines 5-35; final time estimate)

- sending the second generated electronic message to the access device if the second generated electronic message is a modified version of the first generated electronic message that was previously sent to the access device; and (Col 82 lines 16-

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51; Appointments that are designated as closed or unavailable can be overridden so that appointments can be scheduled for these closed or unavailable time intervals.

Election to override this type of designation could be made in emergency situations, for installations or repairs requiring immediate attention, or for other unexpected reasons)

a screen display configured to display the electronic message for viewing on the access device if the generated electronic message was received by the access device from the technician server. (Col 72 lines 14-32, Col 82 lines 52-57, Figure 15 item 278)

As per claim 12, Storch et al. discloses the system of Claim 11, further comprising at least one output device operatively associated with the access device and configured for receiving the electronic message. (Col 72 lines 14-30, Figure 15 items 276, 278)

As per claim 13, Storch et al. discloses the system of Claim 11, wherein the administration system includes a database having at least one profile characteristic stored thereon. (Col 70 lines 40-57)

As per claim 22, Storch et al. discloses the system of Claim 21, further comprising means for outputting the displayed electronic message. (Col 72 lines 16-23)

As per claim 25, Storch et al. discloses the system of Claim 24, further comprising means for customizing at least one of the portions of the electronic message. (Col 69 lines 46-67)

As per claim 26, Storch et al. discloses the system of Claim 25, further comprising means for displaying the customized portion to at least one technician. (Col 72 lines 14-23, Col 72 lines 28-30, Figure 15 item 278)

As per claim 27, Storch et al. discloses the system of Claim 25, further comprising

means for identifying a profile characteristic stored in the administration system, the administration system being operatively associated with the means for customizing at least a portion of the electronic message. (Col 70 lines 40-58)

As per claim 28, Storch et al. discloses the system of Claim 21, further comprising means for dismissing the displayed electronic message. (Col 72 lines 15-21) The means for dismissing the displayed electronic message is inherent to the TAS. (Figure 15 item 278)

As per claim 30, Storch et al. discloses the method of Claim 29, further comprising not receiving the electronic message if the access occurs for a second or subsequent time in the time period. (Col 81 lines 25-29, Col 81 lines 60-67)

As per claim 31, Storch et al. discloses the method of Claim 29, wherein the output device comprises a displaying screen. (Col 72 lines 14-23, Col 72 lines 28-30)
The screen is inherent to the TAS. (Figure 15 item 278)

As per claim 35, Storch et al. discloses the method of Claim 1, wherein transmitting the received electronic message comprises transmitting the received electronic message comprising information conveying to a technician a hazard in a geographic area in which the technician is working. (Col 82 lines 30-32)

As per claim 36, Storch et al. discloses the method of Claim 1, wherein determining if the electronic message has been modified since the past request for access to the message comprises determining if the electronic message has been modified since the past request for access to the message wherein subject matter in the electronic message was modified based on the geographic location of a technician. (Col 36 lines 41-49)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER